

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  )  
                  v.                                    ) CRIMINAL NO. 15-10147-MLW  
  )  
DAVID COKE, et al.                            )

GOVERNMENT’S MEMORANDUM PURSUANT TO LOCAL RULE 116.5(b)

The United States of America, through undersigned counsel, submits this memorandum addressing the issues set forth in Local Rule 116.5(b)(1) through (b)(10).

(b)(1)

As of the date of the filing of this report automatic discovery remains on-going. The government has completed several large productions of documents, photographs, audio/video recordings, Title III recordings and corresponding draft transcripts, laboratory analysis of controlled substance and firearm, and telephone records. The first disclosure was in excess of 8,500 documents and 40,000 media files and has been produced pursuant to two different proposed protective orders currently pending before the Court.

(b)(2)

Additional discovery will be produced on September 21, 2015 and September 22, 2015 to defense counsel of record and pursuant to the two proposed protective orders currently pending before the Court. The government anticipates turning over additional drug and firearm analysis as soon as they are completed.

The government anticipates sending hard drives with a complete set of the discovery produced on July 24, 2015 and September 21-22, 2015 to the five institutions housing the

defendants charged in all related matters. This production should cover the terms of both proposed protective orders currently pending.

(b)(3)

It is anticipated that defense counsel and the government will need approximately six (6) months for defense counsel to review all of the discovery in this case, make additional requests, and for the government to answer those requests.

(b)(4)

As of the date of the filing of this interim status report there are two versions of a proposed protective order pending before the Court. A total of eight (8) out of forty (40) attorneys of record in the five related cases (Case Nos. 15-10145, 15-10146, 15-10147, 15-10148, and 15-10149) have objected to the terms of both orders under grounds set forth in several motions currently pending before the Court. All of the attorneys of record in this indictment (15-10147) have signed on to one of the two proposed protective orders currently pending before the Court.

It is the government's position that the second protective order should be endorsed by the court as it was generated following input from both defense counsel at the Initial Status Conferences and the Court.

(b)(5)

There are motions concerning discovery pending before the Court.

(b)(6)

The government will make expert disclosures approximately four weeks prior to trial.

(b)(7)

It is unknown whether any defendant will offer a defense of insanity, public authority, or alibi at this time.

(b)(8)

The Court has excluded all time through September 22, 2015.

(b)(9)

The government is at various stages of plea discussions with a significant portion of the defendants in all the related indictments and anticipates filing motions for Rule 11 hearings in the next 60 days. The government's estimated length of trial is 10 days.

(b)(10)

The parties defer to the Court regarding the setting of additional status conferences.

Respectfully submitted,

CARMEN M. ORTIZ  
United States Attorney

By: /s/ Emily Cummings  
Emily Cummings  
Michael Crowley  
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/Emily Cummings  
Emily Cummings  
Assistant United States Attorney

Date: September 21, 2015